

Adv. Joseph Asch | עו"ד יוסף (ג'ואי) אש

L.N. 20808 מ.ר

November 9, 2023

Hon. John G. Koeltl

U.S Courthouse

500 Pearl Street

New York, New York 10007

Dear Judge Koeltl,

I apologize for writing this letter instead of appearing personally in court, which I initially intended to do. Unfortunately, as you know, Israel is at war. My son was called in to reserve duty on the first day of the war, October 7, as was my son-in-law and future son in-law. I myself was called in on Wednesday October 11 for 10 days and might be called in again. Under these circumstances, I cannot leave the country.

Until 4 years ago, I served as a prosecutor at the State Attorney's Office in Israel. My last position was Director of the Criminal Department, a position I held from July 2011 until August 2019. After my retirement, I started teaching in a local high-school and I also volunteer with troubled youth, some with criminal records, and try to get them back on track. Since my retirement, I haven't been practicing law on a permanent basis.

I will try to describe in this letter what the civilians of Israel are enduring these days. After speaking to Mr. Azari, I will also try to explain how this is affecting him.

I will not elaborate on the atrocities and horrific crimes against humanity that 3000 Hamas terrorists committed early Saturday morning on October 7th, in a dozen small towns in Southern Israel and continue to commit as this letter is being written. I will say in short that as of now 1,200 Israelis civilians were murdered – many of them women, children and elderly people. Women were raped, some civilians were burned alive, some decapitated and the rest simply executed. Entire families were tied together and shot. In one case the Hamas terrorists executed 3 generations together (the grandparents were found tied to the parents and children, all shot in the head). The Hamas took footage of all of what I've described, and unfortunately it can be found on-line – I do not recommend watching it. In addition to that, as of October 16, there are 240 known civilians, including babies, children, and elderly people who were kidnapped into Gaza and are enduring horrible torture. Hamas takes footage of this and posts it on-line for psychological warfare. Many soldiers were killed as well including Mr. Azari's nephew, Yaron, his sister Lih'i's son, who was a soldier of the 13th battalion of the Golani Brigade and was killed the first day of the war while defending civilians. As of now, 340 soldiers have fallen.

The general atmosphere in Israel is one of great concern, gloom, and sadness. The beautiful communities that once were - small peaceful kibbutzim, turned into bloody killing fields. It is

L.N. 20808 מ.ר

very hard for me to describe what I've seen during the 10 days that I was deployed there. I will say, in short, that the 3 words that kept coming to mind were 'valley of death'. The peaceful communities are now destroyed and burned down, incomprehensible amounts of blood stains remain on the floors in the houses and the smell of death is everywhere. And I was lucky, for I was called in to reserve duty after most of the bodies were evacuated.

Since the beginning of the war, many communities in the country literally emptied out of the men and many women who were called back to service and deployed either down south or up north at our border with Lebanon. Many parents of children in the military age range stopped working and are glued to the media. There are hundreds of funerals. In the past month, I attended 4 funerals of soldiers killed in the war, sons of friends. I do not know many people who have not been to at least one funeral or to condolence visits to bereaved families.

As a husband and father, I find myself constantly talking to my wife and kids, including my son (whenever I get a chance as he is deployed now outside of Gaza). I urge my kids not to watch any videos or clips posted online of the horrific crimes that Hamas committed and are committing. I find myself trying to comfort my family, and to help them believe that at the end of the day, goodness will prevail.

To be sure, we are not pessimistic at this time. In fact, there is clearly a lot of hope and optimism both among the soldiers and the civilian population. But as we see daily, victory, always, comes with a grave price.

At these times fathers are needed at home.

I spoke to Mr. Azari after the war started. His family is frightened. There are sirens all over the country, not only down south but also up north, as Hezbollah are constantly shooting missiles to the northern part of the country. Thousands of civilians who live in northern Israel were evacuated. Mr. Azari's family live up north, and although they were not evacuated, hearing sirens and having to run to a shelter is an extremely frightening experience. And Mr. Azari is not there to comfort any of them. Danielle, Mr. Azari's daughter, who is a Captain (reserve) in the Golani Infantry Brigade was called in and deployed right outside of Gaza. Mr. Azari is worried sick about her, and he should be. It's a war zone. The sirens, the sounds of bombings... it's not where any parent would want his child to be. And Mr. Azari is not there to be with his wife and son or to calm his daughter. He told me that he feels that he failed his family. He told me that he feels helpless. And unworthy. The pain that he feels not being with his close and beloved sister when her son, Yaron, was killed, is unbearable. His wife Maggie told me that when she told him the horrible news he literally started to shout and broke down.

I am in touch with Mr. Azari's wife and parents. They wished with all their hearts that they could be in court on November 16 to support Aviram. To hug him and tell him how much they all love him and miss him. But due to the situation in Israel and the need for them to be with their daughter Lihi, They sadly cannot make it.

Adv. Joseph Asch | עו"ד יוסף (ג'ואי) אש

מ.ר. 20808 L.N.

Your honor, I have full confidence that you will sentence Mr. Azari to a just punishment. My request is, if you feel that the circumstances described above are relevant, to please consider them as well.

Sincerely,

Joseph Asch (Israeli council)